

Az

- securing the fishing line to a hook; and
securing the hook to the body of the lure, thereby placing the lure in a first position.
41. The method of fishing according to claim 40, further comprising:
casting the lure into a body of water;
pulling the fishing line to facilitate movement of the tail underneath the body thereby
placing the lure in a second position; and
releasing the fishing line thereby returning the tail to the first position of the lure.

REMARKS

Claims 1-38 remain in the referenced application. Claim 30 has been amended, and appended hereto is a marked version of claim 30 illustrating the revision made thereto. Claims 39-41 have been added.

An Information Disclosure Statement is submitted herewith to place before the Examiner a reference cited in this application's parent application.

Claims 1-38 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-27 of copending Application No. 09/819,584, which is a CIP of 09/745,235. The Examiner admits claims 1-38 are not identical subject matter to claims 1-27 of copending Application No. 09/819,584. The Examiner however asserts claims 1-38 would have been obvious to one of ordinary skill in the art at the time the invention was made in view of claims 1-27 of copending Application No. 09/819,584. As the outstanding rejection is based upon the judicially created doctrine of obviousness-type double patenting, Applicant submits herewith a Terminal Disclaimer to overcome the outstanding rejection. In view of the submission of the Terminal Disclaimer, Applicant respectfully submits the rejection of claims 1-38 has been overcome and thus requests the withdrawal of the provisional rejection of claims 1-38 under the judicially created doctrine of obviousness-type double patenting over claims 1-27 of copending Application No. 09/819,584.

The prior art made of record has been reviewed by Applicant and is deemed not to anticipate nor render obvious the claimed invention.

A check in the amount of \$179.00 to cover the \$55.00 Terminal Disclaimer Fee due under 37 C.F.R. §1.20(d), the \$69 Additional Claim Fee due under 37 C.F.R. §§1.169(c) and (d), and the \$55.00 Extension Fee due under 37 C.F.R. §1.17(a)(1) is enclosed herewith.

In view of the foregoing, Applicant respectfully requests reconsideration of the rejected claims and consideration of new claims 39-41. Applicant further respectfully solicits early allowance of the application.

Respectfully submitted,

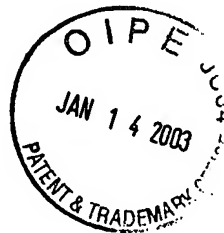
LAW OFFICES OF CHRISTOPHER L. MAKAY
1634 Milam Building
115 East Travis Street
San Antonio, Texas 78205
(210) 472-3535

DATE: 14 January 2003

By: 

Christopher L. Makay
Reg. No. 34,475

ATTORNEY FOR APPLICANT

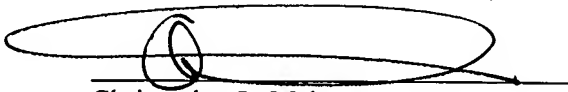


CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post office to Addressee" service under 37 CFR 1.10 on the dated indicated below, addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Express Mail No.: EL 873064967 US

Date: 14 January 2003


Christopher L. Makay

AMENDED CLAIMS MARKED TO ILLUSTRATE REVISIONS

30. (amended) A fish catching system, comprising: [a sleeve, wherein the sleeve is coupled with a lure and receives a fishing line therethrough that attaches to an eyelet of a hook secured to the lure.]

a lure comprising a body and a tail; and

a sleeve coupled with the tail of the lure, wherein the sleeve receives a fishing line therethrough that attaches to an eyelet of a hook secured to the body of the lure.